

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
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2005 MAR 25 P 3:12

CLEAR CHANNEL OUTDOOR, INC.,  
Boston Division

Plaintiff,

v.

INTERNATIONAL UNION OF  
PAINTERS AND ALLIED TRADES  
AFL-CIO, CLC, DISTRICT COUNCIL 35,

Defendant.

C.A. No. 05-CV-10380 WGY

U.S. DISTRICT COURT  
DISTRICT OF MASS.


**DEFENDANT'S MOTION FOR A PRELIMINARY INJUNCTION**  
**ENJOINING PLAINTIFF FROM CONTINUING TO ENFORCE POLICIES**  
**DECLARED NULL AND VOID BY AN ARBITRATOR PENDING**  
**THIS COURT'S DECISION ON THE MERITS**

Defendant Painters and Allied Trades District Council No. 35 respectfully moves the Court for a preliminary injunction enjoining Plaintiff Clear Channel Outdoor from continuing to enforce the Drug and Alcohol Control Program and Motor Vehicle Points System that Arbitrator James Cooper declared null and void *ab initio*, pending this Court's decision on the merits of Plaintiff's Complaint to vacate Arbitrator Cooper's Award and Defendant's Counterclaim to enforce the Award.

The grounds for Defendant's motion are that it has a likelihood of success on the merits, that the public interest will be furthered, and will not be adversely affected by, the injunction, and that Plaintiff will not suffer harm as a result of an injunction. These grounds are set forth fully in the Affidavit of Charles Fogell and Memorandum of Law filed herewith.

Respectfully submitted,

For the Defendant,  
Painters and Allied Trades  
District Council No. #35  
By its Attorney,

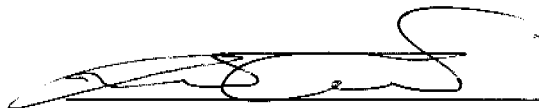


Jonathan M. Conti  
BBO # 657163  
Feinberg, Campbell & Zack, P.C.  
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(617) 338-1976

DATED: March 25, 2005

CERTIFICATE OF COMPLIANCE

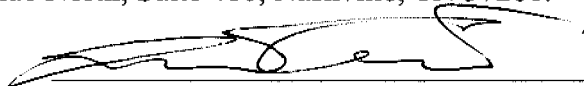
I, Jonathan M. Conti, hereby certify that pursuant to Local Rule 7.1, I have conferred in good faith with counsel of record in this matter.



Jonathan M. Conti

CERTIFICATE OF SERVICE

I, Jonathan M. Conti, hereby certify that I caused a copy of the foregoing document to be served in hand upon George A. Berman, Esq., Peabody & Arnold, LLP, 30 Rows Wharf, Boston, MA 02110 and via overnight mail to L. Michael Zinser, The Zinser Law Firm, P.C., 150 Second Avenue North, Suite 410, Nashville, TN 37201.



Jonathan M. Conti

March 25, 2005